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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,342	09/25/2003	Gary S. Godwin	57665/03-396	7067

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EXAMINER
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AYRES, TIMOTHY MICHAEL

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/671,342

Applicant(s)

GODWIN, GARY S.

Examiner

Timothy M. Ayres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/12/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

This is a first office action on the merits of application SN 10/671,342.

#### ***Claim Objections***

1. Claim 10 is objected to because of the following informalities: In line 2 of claim 10 the phrase "secured position" appears to be a typo and should read "second position". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6-9, 11, 12, 17-19, 21, 23, 25, and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent 6,027,093 to Reiher. Reiher '093 discloses a workstation (10) that comprises a base (12). A riser (14) extending upwardly from the base. A support arm (18) pivotally connected to the riser (14), the support arm (18) having a first section on a first side towards end (20) of the riser (14) and a second section on a second side towards end (19) of the riser (14). A table (30) affixed to the second section of said support arm (18). A counter weight (22) affixed to the first section of said support arm (18). Wherein the counterweight (22) allows for the support arm (18) to be easily pivoted from a work position to a second position. The

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support arm (18) is rotates around the riser (14) in the horizontal plane (col. 4, line 21-24).

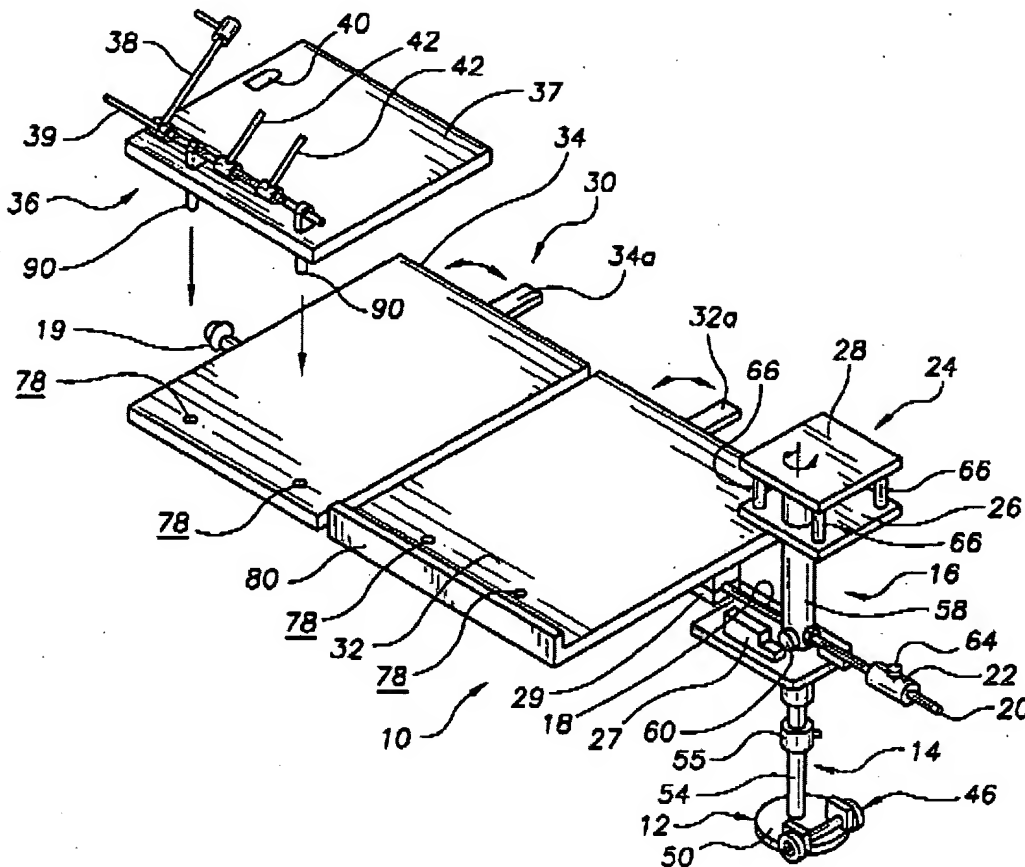
4. Regarding claim 6 and 17, the riser (14) is adapted to be adjustable with respect to height (col. 1, line 63).

5. Regarding claim 7 and 18, the table (30) is pivotally mounted on the support arm (18) (col. 4, line 4-6).

6. Regarding claim 8, 19, and 26, wherein the table (30) defines a plurality of retaining members (42) for affixing selected computer components to the table (30).

7. Regarding claim 9, 11, and 23, the second position of the support arm (18) allows for a user to have unobstructed ingress to and egress from a human support device since the second position can be at an angle of 90 degrees or farther from the work position.

8. Regarding claim 21, the table (30) is adapted to be positioned to provide a work area for a user who is in a substantially reclined position, wherein the table (30) permits the user to support the user's elbows on a human support device such as abed while accessing the work area (col. 1, line 53-62)..



Reiher '093 Figure 1

### ***Claim Rejections - 35 USC § 103***

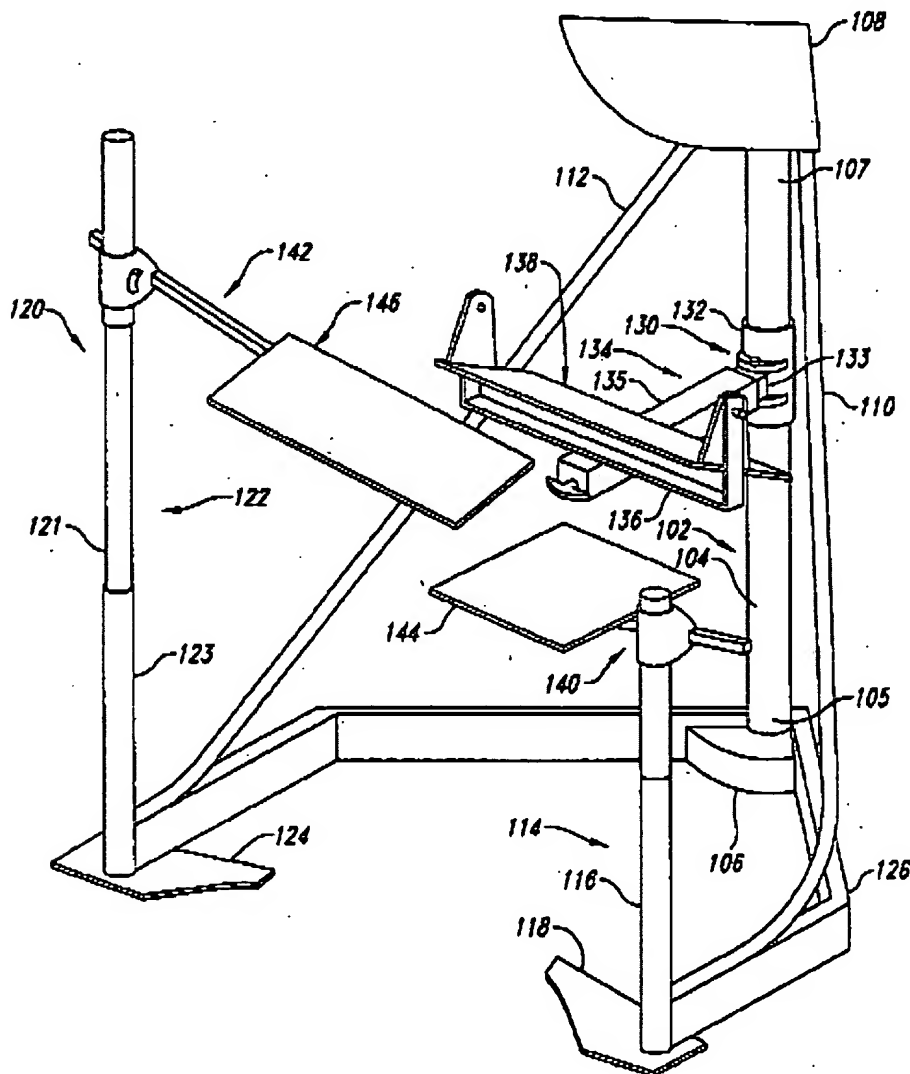
9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 3, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,027,093 to Reiher in view of U.S. Patent Publication

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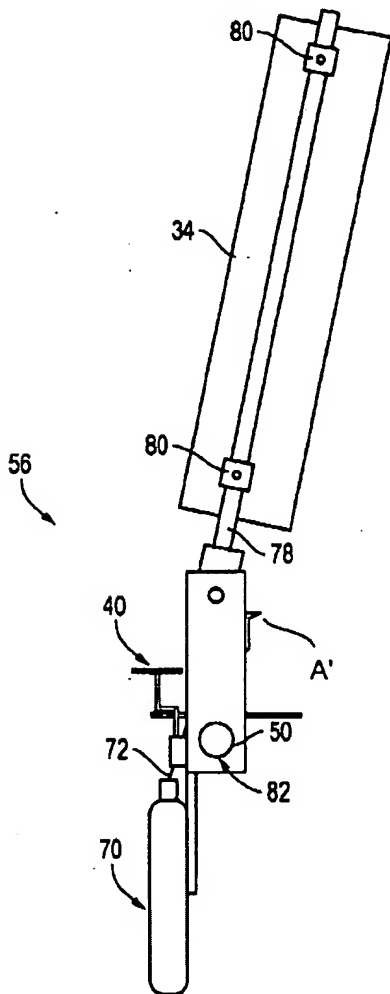
2004/0025754 to Dye. Reiher '093 discloses every element as described above. Reiher '093 does not disclose expressly a base that extends beneath a human support device and components that are in communication with both ends. Dye '754 discloses a work station (100) with a base (126) with flanges (118,124) that extend beneath a human support device. Components (146,123) in communication with a first end (124) of the base and components (116,144) in communication with a second end (118) of the base.



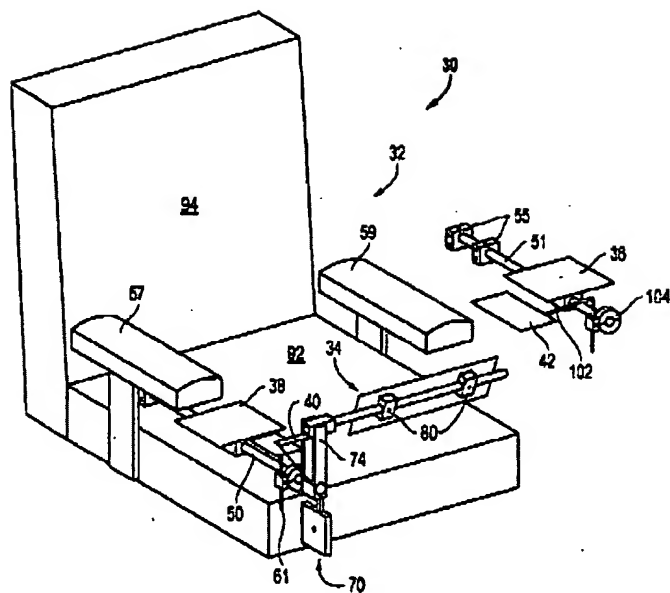
Dye '754 Figure 1

11. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the work station of Reiher and add the base of Dye to provide multiple work surfaces (col. 1, paragraph 2, line 3).

12. Claims 5, 10, 15, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,027,093 to Reiher in view of U.S. Patent 6,702,373 to Rossko. Reiher '093 discloses every element as described above. Reiher '093 does not disclose expressly a support affixed to the riser for stabilizing the support arm when the arm is in the work position and wherein the second position of the support is substantially vertical. Rossko '373 discloses a work station (30) with a pivot system (56) that is attached to a chair (32). A support (A') is affixed to a riser (74) for stabilizing the support arm (78) when the support arm (78) is in the work position as shown in figure 1. The support arm (78) is substantially vertical when in the second position as shown in figure 5.



Rossko '373 Figure 5



Rokkko '373 Figure 1

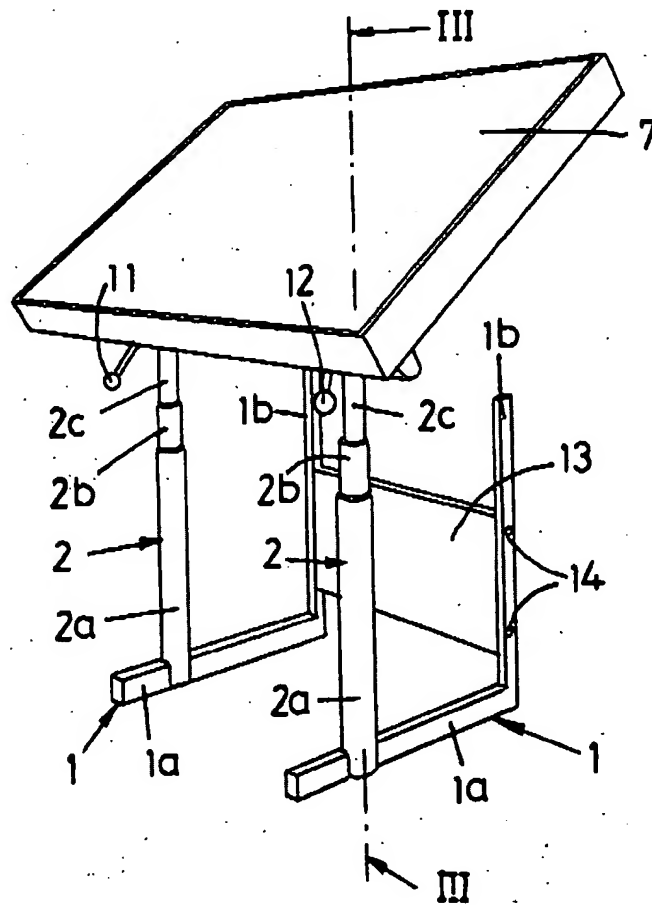
13. At the time of the invention it would have been obvious for a person of ordinary skill in the art to combine the work station of Reiher and add the pivot system of Rossko so that the controls can be adjusted in all three axis (Rossko, col. 2, line 44-46).

14. Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,027,093 to Reiher in view of U.S. Patent 4,099,469 to Sahli. Reiher '093



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discloses every element as described above. Reiher '093 does not disclose expressly a support for engaging a second end of the support arm to stabilize the support arm when the support arm is in the working position. Sahli '469 discloses a work station with a table top (7) pivotally attached to risers (2). Attached to the risers (2) are supports (1) which are used to support the table top (7) when the table top (7) is in the working position.



Sahli '469 Figure 1

15. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the work station of Reiher and add the support of Sahli so that the

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support arm of Reiher has improved stability when in the working position (Sahli, col. 1, line 64-65).

16. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,027,093 to Reiher in view of U.S. Patent 5,630,566 to Case. Reiher '093 discloses every element as described above. Reiher '093 does not disclose expressly the table adapted to support a computer monitor, the table further adapted for positioning the in an ergonomic viewing position. Case '566 discloses a portable ergonomic work station (10), which comprises a riser (12). A support arm (28) extends from the riser (12). At the end (32) of the support arm (28) is a screen support means (34). A computer monitor (36) is supports by the screen support means (34). The connection means (30,31,32) allow adjusting of the support arm to an advantageous viewing position for the user (col. 5, line 8-13). At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the work station of Reiher and add the monitor and support arm of Case in order for the user to be able to adjust a monitor to an ergonomic view.

17. Claim 27 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,027,093 to Reiher. Reiher discloses all of the elements as disclosed above. Reiher does not disclose expressly a method of facilitating ingress to and egress from a work station. The steps in the method claim 27 would have been obvious given the structure of Reiher.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 6,298,794 to Brown discloses an ergonomic computer workstation with a riser and monitor support. U.S. Patent 2,846,761 to Evans discloses a adjustable table that has a computer and monitor bolted on the surface. U.S. Patent 672,303 to Williams teaches a bracket that could be used to attach a monitor to a table. U.S. Patent 6,269,753 to Roddan discloses a computer desk with a base that extends beneath a human support device and adjustable riser. U.S. Patent 6,712,008 to Habenicht discloses a computer work station with a base that can extend underneath a human support device. U.S. Patent Publication 2004/0163574 to Schoenbach discloses a table with a monitor attached to the riser and base that can extend beneath a human support device. U.S. Patent 4,077,333 to Ballas discloses a table with an adjustable riser and a base that can go beneath a human support device. U.S. Patent 5,027,989 to Nevius discloses a work station with a base that can extend beneath a human support device. U.S. Patent 5,671,091 to Monroe discloses a computer work station that has a riser and a monitor that is bolted to a support.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-FRI 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA

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8/02/05

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